

**BEFORE THE ARIZONA BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:)	
)	
MERRILL DEAN VAN PATTEN, D.O.)	FINDINGS OF FACT, CONCLUSIONS
Holder of License No. 1550 for the)	OF LAW AND ORDER OF
practice of osteopathic medicine in the)	REVOCATION OF LICENSE
State of Arizona.)	
_____)	

The above-captioned matter came on for formal evidentiary hearing before the Arizona B
Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board") on January 22, 1997.
The State of Arizona was represented by Michael Harrison, Assistant Attorney General, The
Respondent, licensee, MERRILL DEAN VAN PATTEN, D.O. (hereinafter "Respondent"), was
present not present. The Board, through D. Jayne McElfresh, President of the Board, Richard
Whitaker, D.O., Vice-President of the Board, Paul Steingard, D.O., Stanley Brysacz, D.O., Dewey
Schade, Murray Cohen, D.O., and Martin Reiss, D.O., members of the Board, having considered all
the material evidence presented and being fully advised, makes the following Findings of Fact,
Conclusions of Law and Order:

FINDINGS OF FACT

I.

Respondent is licensed by the Board as an osteopathic physician; and, pursuant to A.R.S. §
32-1803, et seq. (as amended), the Board has the statutory authority to conduct an administrative
hearing to determine whether the Respondent is unable to safely engage in the practice of medicine
and whether action should be taken due to the unprofessional conduct by Respondent. During the
Board's public meeting on December 7, 1996 following the Board's review of information and

evidence, regarding Respondent, obtained pursuant to A.R.S. § 32-1855 and § 32-1855.01, and having considered the evidence and information in the matter, the Board entered Findings of Fact, Conclusions of Law and Order of Summary Suspension of Respondent's license to practice as an osteopathic physician, pending formal administrative hearing.

II

Respondent is a licensee of the Board and the holder of License No. 1550 for the practice of osteopathic medicine in the State of Arizona.

III

Information was brought to the attention of the Board that Respondent may be medically and/or psychologically unable to safely and skillfully engage in the practice of medicine and may have committed one or more acts of unprofessional conduct as defined in A.R.S. § 32-1854.

IV

On or about June 5, 1990, after a trial to the district court in Woodbury County, Iowa, the Respondent was found guilty of two counts of fraudulent practices in the third degree. The conviction arose out of charges of filing false certifications related to Medicaid claims. These criminal convictions are classified as "aggravated misdemeanors." Based upon the aforementioned criminal conviction, the Board of Medical Examiners in the State of Iowa entered its order (dated August 19, 1991) suspending Respondent's medical license for a minimum of ninety (90) days. Respondent did not subsequently apply for reinstatement of his Iowa medical license but rather allowed said license to expire.

V.

Respondent was initially licensed in the State of Arizona by the Board in 1978. Pursuant to

A.R.S. § 32-1825, each Board licensee must renew licensure every two years. Respondent's renewal applications that were filed with the Board, subsequent to his criminal conviction and Iowa disciplinary action, falsely represented that he had not been criminally convicted or the subject of disciplinary action related to the practice of medicine.

VI.

Pursuant to Board Order (dated October 10, 1996), Respondent submitted to psychological and psychiatric examinations. The reports received from the examining psychologist and psychiatrist establish that Respondent suffers from a mental disorder that significantly impairs his ability to safely practice medicine.

VII.

In public session, the Board voted based on December 7, 1996 that there is sufficient evidence to believe that Respondent may be mentally incompetent to engage in the practice of medicine and is an immediate threat to the health and safety of the public.

The Board has the authority to summarily suspend an osteopathic license pursuant to A.R.S. § 32-1855(C) and § 41-1064(C) when the physician is an immediate threat to the public's health, welfare and safety.

VIII

Subsequent to the issuance of the Board's Order for summary suspension of Respondent's license to practice as an osteopathic physician, the Board's Complaint/Compliance Manager, Patty Rustenburg, went to the office of Respondent; and, Ms. Rustenburg observed Respondent with patients. Furthermore, Respondent admitted to Ms. Rustenburg that he had continued to see and treat patients after receiving the Board's Order summarily suspending his license to practice as an

osteopathic physician.

CONCLUSIONS OF LAW

IX

The conduct of MERRILL DEAN VAN PATTEN, D.O., described above constitutes grounds for action against Respondent's license to practice as an osteopathic physician, pursuant to the following statutes:

- (A) A.R.S. § 32-01855(A) (i.e., mentally or physically unable to safely practice medicine); and,
- (B) A.R.S. § 32-1854(2)(i.e., committing a criminal offense involving moral turpitude); and,
- (C) A.R.S. § 32-1854(15) (i.e., knowingly making a false or fraudulent statement in connection with the practice of medicine except as the same may be necessary for accepted therapeutic purpose); and,
- (D) A.R.S. § 32-1854(26) (i.e., violating a formal order issued by the Board); and,
- (E) A.R.S. § 32-1854(37) (i.e., violating a state law or rule applicable to the practice of medicine).

ORDER

IT IS THEREFORE ORDERED that License No. 1550 for the practice of osteopathic medicine in the State of Arizona, held by MERRILL DEAN VAN PATTEN, D.O., be and the same is hereby **REVOKED**.

ENTERED this 30th day of January, 1997.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: Ann Marie Berger
Ann Marie Berger, Executive Director

Served by personal service
this 30 day of January, 1997 to:

Merrill D. Van Patten, D.O.
1241 N. Allen
Mesa AZ 85203

Copy mailed this 20 day
of January, 1997 to:

Michael N. Harrison
Assistant Attorney General
Office of the Attorney General
1275 W. Washington
Phoenix AZ 85007 (w/enclosure)

Arizona Board of Pharmacy
5060 N. 19th Ave., Suite 101
Phoenix AZ 85012

Drug Enforcement Agency
3010 N. 2nd St.
Phoenix AZ 85012

Ann M. Martino, Ph.D.
Executive Director
Executive Hills West
1209 E. Court Ave.
Des Moines, IA 50319-0180


